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OF THE

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SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 15, 2010

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Bock and Acting Senator Stennett, absent and formally excused by the Chair.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Erin Griffard, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 14, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 14, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sharon Harrigfeld of Boise, Idaho, was appointed as Director of the Department of Juvenile Corrections to serve a term commencing August 3, 2009, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 14, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike Matthews of Declo, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 17, 2010, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 14, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 35](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 35](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Majority Leadership Secretary	Beverly Boyle
Assistant to Majority Leadership	Marian Smith
Assistant to Secretary of Senate	June Keithly
Journal Clerk	Jennifer Etter
Assistant Secretary of Senate	Rusti Horton
Minority Chief of Staff	Diane Kelly
Minority Staff Assistant.....	Jonathan Carkin
Minority Staff Assistant.....	Brian Peterson
Doorkeeper	Robert McDonald
Sergeant at Arms	Sarah Jane McDonald
Assistant Sergeant at Arms	Jerry Csutoras

Republican Secretarial Pool:

Secretary	Lois Bencken
Secretary	Mary Harvey
Secretary	Ann Ingram
Secretary	Jennifer Novak
Secretary	Allicia Keefe

Committee Secretaries:

Agricultural Affairs Betty Osborn
 Commerce & Human Resources Carol Deis
 Education Dorena Schrader
 Finance Peggy Moyer
 Health and Welfare Joy Dombrowski
 Judiciary and Rules Leigh Hinds
 Local Government and Taxation Twyla Melton
 Resources and Environment Juanita Budell
 State Affairs Deborah Riddle
 Transportation Lizzie Kukla
 Senate Chaplain Montie Ralstin

Pages:

Noah Bush, Pocatello
 Meredith DeMordaunt, Eagle
 Haley Egan, Boise
 Erin Griffard, Boise
 Brittney Infanger, Salmon
 Jenna Johnson, Boise
 Samantha Kiley, Boise
 Elise Knapp, Parma
 Danni Petersen, Boise
 Rebecca Powell, Boise
 Sara Schaefer, Boise
 Rachel Schiell-Pagel, Potlatch
 Hannah Schwarz, Boise

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
 House Petitions, Resolutions, and Memorials**

**S 1247
 BY COMMERCE AND HUMAN RESOURCES
 COMMITTEE
 AN ACT**

RELATING TO THE STATE PERSONNEL SYSTEM AND VACATION TIME; AMENDING SECTION 67-5334, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE TRANSFER OF ACCRUED VACATION TIME; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1248
 BY COMMERCE AND HUMAN RESOURCES
 COMMITTEE
 AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2012, IDAHO CODE, TO PROVIDE FOR AN EXEMPTION REVIEW PROCESS TO DETERMINE SUITABILITY FOR LICENSURE FOR CERTAIN REVOKED LICENSES, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTIONS 54-2015, 54-2026 AND 54-2033, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

**S 1249
 BY COMMERCE AND HUMAN RESOURCES
 COMMITTEE
 AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2013, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO ERRORS AND OMISSIONS INSURANCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2018, IDAHO CODE, TO PROVIDE THAT A LICENSED SALESPERSON WHO OBTAINS A BROKER LICENSE SHALL RETAIN THE RENEWAL PERIOD AND EXPIRATION DATE OF HIS SALESPERSON LICENSE; AMENDING SECTION 54-2023, IDAHO CODE, TO REVISE CONTINUING EDUCATION REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2055, IDAHO CODE, TO REQUIRE THAT A LICENSEE MAKE A CERTAIN DISCLOSURE WITHIN A SPECIFIED AMOUNT OF TIME.

**S 1250
 BY COMMERCE AND HUMAN RESOURCES
 COMMITTEE
 AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2011, IDAHO CODE, TO REMOVE REFERENCE TO A RECIPROCAL IDAHO REAL ESTATE LICENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2016, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE RELATING TO SALESPERSONS ACTING AS BRANCH MANAGERS ON JULY 1, 2005, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2027, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO COURSE COMPLETION LISTS SUBMITTED TO THE COUNCIL OR COMMISSION BY A COURSE PROVIDER; AMENDING SECTION 54-2036, IDAHO CODE, TO REMOVE REFERENCE TO A NATIONAL ASSOCIATION OF REAL ESTATE LICENSE LAW OFFICIALS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-2093, IDAHO CODE, TO REMOVE REFERENCE TO A SUBAGENT AND TO PROVIDE CORRECT TERMINOLOGY.

**S 1251
 BY COMMERCE AND HUMAN RESOURCES
 COMMITTEE
 AN ACT**

RELATING TO THE SUBDIVIDED LANDS DISPOSITION ACT; AMENDING SECTION 55-1801, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1802, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1803, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1804, IDAHO CODE, TO REQUIRE THAT A CERTAIN STATEMENT BE DELIVERED TO A PURCHASER, A DATED AND SIGNED RECEIPT BE OBTAINED AND PURCHASER BE GIVEN AN OPPORTUNITY TO EXAMINE THE STATEMENT, TO SPECIFY WHEN AN OFFER IS MADE IN THIS STATE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER

18, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-1804A, IDAHO CODE, TO PROVIDE A RIGHT OF RESCISSION AND REQUIREMENTS FOR RESCISSION; AMENDING SECTION 55-1805, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO COMMISSIONER OF FINANCE AND THE DIRECTOR OF THE DEPARTMENT OF FINANCE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1806, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO AN APPLICATION FOR REGISTRATION OF SUBDIVIDED LANDS, TO REVISE BONDING REQUIREMENTS NECESSARY TO REGISTER ANY SUBDIVIDED LANDS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1807, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO THE PUBLIC OFFERING STATEMENT, TO REQUIRE THAT CERTAIN ADVERTISING MATERIAL BE SUBMITTED TO THE COMMISSION PRIOR TO ITS USE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1808, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMMISSION'S EXAMINATION OF AN APPLICATION FOR REGISTRATION, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1809, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION AND RENEWAL FEES, TO INCREASE THE APPLICATION AND REGISTRATION MAXIMUM FEE AMOUNT, TO PROVIDE A REDUCTION IN THE MAXIMUM FEE AMOUNT FOR APPLICANTS WHO USE A CERTAIN WEB-BASED DOCUMENT MANAGEMENT SYSTEM, TO GRANT THE COMMISSION AUTHORITY TO PROMULGATE CERTAIN RULES, TO REVISE PROVISIONS RELATING TO THE REJECTION OF AN APPLICATION FOR REGISTRATION, TO REVISE RENEWAL REQUIREMENTS, TO PROVIDE THAT CERTAIN FACTS DO NOT CONSTITUTE COMMISSION FINDINGS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1810, IDAHO CODE, TO REQUIRE THAT SUBDIVIDERS FILE A RENEWAL REPORT, TO PROVIDE A DUTY TO REPORT CONVICTIONS AND JUDGMENTS, TO PROVIDE A RENEWAL EXAMINATION PROCESS AND TO GRANT THE COMMISSION AUTHORITY TO ISSUE A CEASE AND DESIST ORDER; AMENDING SECTION 55-1811, IDAHO CODE, TO REVISE THE COMMISSION'S GENERAL POWERS AND DUTIES, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1812, IDAHO CODE, TO REMOVE REFERENCE TO THE PURCHASE OF SUBDIVIDED LANDS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1813, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INVESTIGATIONS AND PROCEEDINGS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CEASE AND DESIST ORDERS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1815, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVOCATION OF A REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1817, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL

CORRECTIONS; AMENDING SECTION 55-1818, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 55-1819, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 18, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-1819A, IDAHO CODE, TO PROVIDE THAT ANY OFFER OR DISPOSITION MADE IN VIOLATION OF CHAPTER 18, TITLE 55, IDAHO CODE, CONSTITUTES AN UNFAIR AND DECEPTIVE ACT OR PRACTICE; AMENDING SECTION 55-1820, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS HAVE SUBMITTED TO THE JURISDICTION OF THIS STATE AND OF THE ADMINISTRATIVE JURISDICTION OF THE COMMISSION, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1821, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1822, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 55-1823, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

S 1252
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
 AN ACT

RELATING TO THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 67-5309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A RULE.

[S 1247](#), [S 1248](#), [S 1249](#), [S 1250](#), [S 1251](#), and [S 1252](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:58 a.m. until the hour of 11:30 a.m., Monday, January 18, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary